

U.S. Department of Justice



United States Attorney
Eastern District of New York

LMN:AH/KKO
F.#2010R01066

271 Cadman Plaza East
Brooklyn, New York 11201

September 29, 2010

BY Hand and ECF

Michael S. Hughes, Esq.
P.O. Box 39
119 Pondfield Road
Bronxville, New York 10708

Re: United States v. Stephanie Cummings
Criminal Docket No. 10-488 (RJD)

Dear Mr. Hughes:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby furnishes discovery with respect to the above-referenced matter. This production consists of documents Bates stamped 000000001-000000011. The government also requests reciprocal discovery.

1. Statements of the Defendant

Enclosed are copies of documents (Bates stamped 000000001-000000005) that contain statements and/or pedigree information made by and/or provided by the defendant.

2. Prior Criminal History

Enclosed are copies of documents concerning the defendant's criminal history or lack thereof (Bates stamped 000000006-000000011).

4. Documents and Other Tangible Objects

The government is in possession of approximately 2,160.7 grams of cocaine seized on May 23, 2010. The government is also in possession of additional non-narcotic, tangible evidence which it may seek to introduce at trial, including, but not limited to, the luggage used to transport the narcotics.

You may call me to arrange a mutually convenient time to inspect, copy, and/or photograph the evidence and original documents discoverable under Rule 16.

5. Reports of Examinations and Tests

The government will also provide copies of reports of any other examinations and tests conducted with respect to this case, including a report of a laboratory examination conducted on the narcotics seized on May 23, 2010, when they are generated.

6. Expert Testimony

The government intends to call an expert chemist to testify as to the chemical composition of the government's narcotics exhibits. The government also intends to call a narcotics expert to testify about methods of importing bulk quantities of cocaine, including the packaging and pricing of those narcotics and the fact that the quantity of narcotics imported in this case is consistent with distribution.

The government will comply with Rule 16(a)(1)(E) by notifying you in a timely fashion of the identity of these experts and any additional experts that the government intends to call at trial. At that time, the government will also provide a summary of the opinion and qualifications of those experts.

7. Brady Materials

The government is unaware of any exculpatory material regarding the defendants in this case. The government is aware of and will comply with its obligation to produce exculpatory information or material within the scope of Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

The government will furnish you before trial with information or material regarding payments, promises or immunity, leniency, or preferential treatment, if any, made to prospective witnesses within the scope of Giglio v. United States, 405 U.S. 150 (1972), and Napue v. Illinois, 360 U.S. 264 (1959).

The government will also furnish before trial materials discoverable pursuant to Title 18, United States Code, Section 3500.

8. Other Crimes, Wrongs, or Acts

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

9. Reciprocal Discovery

The Defendant's Required Disclosure

The government hereby asserts its right to reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, photographs, tapes, tangible objects, or copies or portions thereof, which are in the defendant's possession, custody, or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, which are in the defendant's possession, custody, or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose at least forty-eight hours prior to the testimony, prior statements of witnesses who will be called by the defendant to testify, pursuant to Fed. R. Crim. P. 26.2.

The government also requests that the defendant disclose a written summary of testimony the defendant intends to use as evidence at trial under Rules 702, 703 and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for those opinions, and the witnesses' qualifications.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendant's intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notice.

Pursuant to Fed. R. Crim. P. 12.1(a), the government hereby demands written notice, to be served within ten days of this demand, if the defendant intends to offer a defense of alibi. The written notice shall state the specific place or

places at which the defendant claims to have been at the time of the alleged offenses, and the names and addresses of the witnesses upon whom the defendant intends to rely to establish such alibi. The offenses took place at the location, dates, and times specified in the Complaint and Indictment.

If you have any questions or further requests, please do not hesitate to contact me.

Very truly yours,

LORETTA E. LYNCH
United States Attorney
Eastern District of New York

By: /s/
Karin Orenstein
Assistant U.S. Attorney
(718) 254-6188

Enclosures

cc: Clerk of the Court (RJD) (w/o enclosures) (by ECF)